

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSHUA ROBINSON,	:
Plaintiff	:
v.	: Case No. 3:19-cv-56-SLH-KAP
SEANOR, <i>et al.</i> ,	:
Defendants	:

Memorandum Order

Pending are several motions for extension of time to complete discovery, ECF no. 70, ECF no. 71, ECF no. 73, and a motion to compel and for sanctions by plaintiff, ECF no. 74. The extension motions are granted as outlined below. The motion to compel and for sanctions is denied, both because the extension of discovery will allow the parties to resolve the dispute, and because on the merits plaintiff's implicit argument that all his discovery requests relate to the claims left in this matter by the Court of Appeals, *see Robinson v. Palco*, No. 21-2987 (3d Cir. July 29, 2022) and his explicit argument that sanctions are appropriate, are invalid.

The revised pretrial schedule is as follows:

1. Any motion other than those mentioned in ¶2 and ¶3 below shall be accompanied by a memorandum of law and responded to within twenty days.

2. Discovery shall be completed by August 31, 2023. Defendant is granted leave to depose plaintiff, a prisoner. Discovery motions should succinctly state the matter in dispute and need not be accompanied by any memorandum of law; discovery motions shall be responded to within five days. Absent order to the contrary, the filing of discovery motions shall not stay discovery.

3. Motions for summary judgment shall be filed on or before September 30, 2023. Motions for summary judgment shall be responded to by the opposing party within thirty days.

4. The dates for filing of pretrial statements and trial shall be scheduled after any dispositive motions have been decided. My previous order mandating summary judgment motions does not continue. Although under Fed.R.Civ.P. 56(f)(3) and *Celotex Corp. v. Catrett*, 477 U.S. 317, 326 (1986), the court has the power to issue a sua sponte order for summary judgment so long as the parties are notified that they must come forward with all relevant evidence, whether the parties believe it is worth the time to file motions or simply to file pretrial statements is left to them. If no motions for summary

judgment are filed plaintiff's pretrial statement is due October 15, 2023, and defendant Seanor's is due October 31, 2023.



DATE: April 20, 2023

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Keith A. Pesto,  
United States Magistrate Judge

Notice to counsel by ECF and by U.S. Mail to:

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